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Patent
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Varian 02-001REMARKS

Amendments to claims 1, 10, 12, 17, and 34 are for the purpose of clarifying that any type of IMRT by virtue of leaf positioning, such as dynamic IMRT, step and shoot IMRT, and arc therapy IMRT, is contemplated by the claimed invention. Amendments to claim 37 are to correct typographical errors. No new matter has been added.

Applicant wishes to thank the Examiner for the telephonic interview on December 12, 2006. During the interview, the cited reference and the claimed subject matter were discussed.

I. Claim Rejection under 35 U.S.C. § 102

Claims 1-5, 7, 9, 10, 12-15, 17-19, 51, 53, 54, 56, and 61-64 stand rejected under 35 U.S.C. § 102 (e) as allegedly being anticipated by U.S. Patent No. 6,307,914 (Kunieda). Applicant respectfully notes that Kunieda was addressed in the July 17, 2006 Office Action, in which the Examiner correctly pointed out that none of the prior art (including Kunieda) discloses or suggests tracking a target in combination with intensity modulated radiotherapy (see pages 12-13 of the July 17, 2006 Office Action). The Examiner's previous finding that Kunieda does not disclose the claimed subject matter was discussed and confirmed in the December 12, 2006 telephonic interview. As such, claims 1, 10, 12, 17, and 34, and their respective dependent claims, are believed allowable over Kunieda.

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If the Examiner has any questions or comments regarding this amendment, please contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number 7012072001. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number 7012072001.

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Respectfully submitted,

By: Erich C. Tzou
Reg. No. 56,927

Bingham McCutchen LLP
Three Embarcadero Center
San Francisco, California 94111
Telephone: (650) 849-4400
Telefax: (650) 849-4800